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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Revision of the Commission's Rules )  
to Ensure Compatibility with Enhanced )  
911 Emergency Calling Systems )  
  
Petition of Richardson, Texas )

CC Docket 94-102 /  
(DA 01-1623)

COMMENTS OF NENA AND APCO

The National Emergency Number Association ("NENA") and the Association of Public-Safety Communications Officials, International, Inc. ("APCO") hereby respond to the Commission's invitation to comment further on the petition of the City of Richardson, Texas ("City") for a declaratory ruling concerning the prerequisites of a valid Phase II location service request from a Public Safety Answering Point ("PSAP") to a wireless carrier.<sup>1</sup> NENA and APCO separately filed comments on April 23, 2001, and NENA submitted reply comments May 3, 2001. Each supported the City's reading that a PSAP could make a valid request if it expected to be ready to receive and utilize the location service within the interval the wireless E9-1-1 rules allow the carrier to install the service.

Sections 20.18(d) and (f), coupled with (j), generally grant a carrier six months to fill an individual PSAP request for Phase I and Phase II service, respectively. In its comments, NENA acknowledged that the interval should allow time for carrier testing with a ready PSAP, which ought not occupy more than a month. APCO stressed that the existence of a valid mechanism for

<sup>1</sup> DA 01-1623, July 10, 2001.

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the PSAP to recover its costs of any upgrades needed to receive Phase I or Phase II information should be all the assurance that a carrier needs.

NENA and APCO continue to believe that the cited subsections of Section 20.18 were intended, and can be read on their face, to permit PSAPs to request service six months ahead of the time the PSAPs expect to be ready to receive and utilize the data elements associated with the service. Nevertheless, if clarification or amendment of those subsections now would forestall future carrier resistance or litigation and ultimately speed the pace of wireless E9-1-1 implementation, so much the better.

In the end, the process will only work through consultation and cooperation in good faith by the PSAP, the wireline and wireless carriers and any third-party vendors who may be involved. A PSAP request should trigger the kind of mutual exploration of requirements and internal deadlines that will achieve the six-month installation without the need for detailed rules. Accordingly, we recommend that the stated prerequisites be kept to a minimum and the parties be advised that they are expected to work things out within the frame provided by the rules.

1. *Would it be sufficient for the PSAP to show that it has the necessary funding available?* In a word, yes. The carriers have no reason to engage in, and the FCC no reason to encourage, second-guessing of PSAP statements that they can afford to perform their own upgrades.

2. *Should the PSAP show purchase orders with vendors who have promised to perform on time?* As indicated above, we think this is excessive and breeds a spirit of mistrust. Rather than a prerequisite, this should be a part of the mutual exploration of means and timetables that parties acting in good faith should conduct. All parties know from experience with previous amendment of the wireless E9-1-1 rules that promises to perform by vendors are not always

realized. Providing for such contingencies is a commonplace of negotiation and contracting and need not be in the FCC's rules.

*3. What about arrangements with local exchange carriers, data base vendors, etc.?*

Again, these aspects would, in most cases, be better dealt with after a request than before. Otherwise, a PSAP could make wire carrier or vendor arrangements that are contrary to what the wireless carrier has in mind. The King County decision,<sup>2</sup> defining cost responsibilities for wireless carriers and PSAPs, puts a premium on mutual approaches to technological solutions for the delivery of 20 digits or more of callback number and location information.

*4. Would it be sufficient if the PSAP shows that it has implemented Phase I for other carriers?* We have altered this question from the form it takes in the Public Notice because we are not sure why it was framed in terms of NCAS. Some PSAPs will have no need or desire to use NCAS. If the point of the question is to suggest that a PSAP who has made itself ready for one carrier is likely to be able to prepare in time for another, we agree.

*5. What about state-of-the-art mapping?* The Commission essentially answers its own question by acknowledging that "utilizing the data elements" under Section 20.18(j) does not call for FCC prescription of how the data is used by the PSAP.

To the extent that carrier concerns in this proceeding spring from a fear that simultaneous requests from geographically dispersed PSAPs will make meeting six-month deadlines impossible, NENA and APCO believe this to be highly unlikely. If it happens, however, both associations offer their services in working with members on scheduling. The associations, of course, could not and will not dictate to their members. At the same time, we expect that persons

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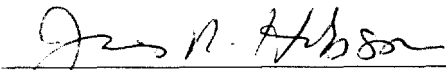
<sup>2</sup> Letter from Wireless Telecommunications Bureau Chief Thomas J. Sugrue to Marlys R. Davis, E-911 Program Manager, King County, WA, dated May 7, 2001, petition for reconsideration pending.

of good will involved in every aspect of implementation will be more interested in solving logistical problems than in casting blame or seeking penalties for missed deadlines. Again, the commercial vehicle of contract is probably a preferred mechanism for assuring performance.

Only when delay in filling service requests is flagrant, obstructive and inexcusable would we expect PSAPs, with our assistance where appropriate, to bring these cases to the attention of the FCC.

Respectfully submitted,

NENA and APCO

By  \_\_\_\_\_

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## CERTIFICATE OF SERVICE

The foregoing "Comments of NENA and APCO" were mailed today to:

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